

**REMARKS**

Upon entry of this amendment, claims 1, 2 and 4-21 are all the claims pending in the application. Claims 14-21 have been added. No new matter has been added.

**I. Claim Rejections under 35 U.S.C. § 102(b)**

A. Claims 1, 2, 5, 6, 8-10, 12, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sarda (U.S. Patent No. 4,414,913). Applicant respectfully traverses this rejection on the following basis.

Claim 1 defines a novel combination of features which form a recording apparatus. Included among the features of this new apparatus is a humidifier which enables humidity to be held constant in the recording apparatus. Applicant submits that the claimed combination, including at least this feature, is neither disclosed nor suggested by Sarda.

Sarda discloses a thermo-engraving system for printing in relief on sheets of paper. The paper is transported by a conveyor 37 (see Fig. 1). A tank of water 61 is provided at the end of conveyor 37. Rollers 63, 65 and 67 receive water from the tank 61 and supply the water to conveyor 37 which, in turn, wets the paper travelling along conveyor 37.

Thus, while Sarda discloses a mechanism which adds water and therefore, humidity, to sheets of paper travelling along a conveyor, there is no disclosure in Sarda regarding a humidifier which is able to hold humidity at a constant level within the recording apparatus. That is, while Sarda is able to add humidity, Sarda does not disclose the ability to maintain humidity at a

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constant level, as is required by claim 1. Indeed, Sarda does not even remotely suggest such a feature.

Claim 5 depends from claim 1 and therefore incorporates all of the limitations thereof. Accordingly, Applicant submits that claim 5 is patentable at least by virtue of its dependency.

Regarding independent claim 2, Applicant submits that claim 2 is patentable for similar reasons as discussed above with respect to claim 1. Namely, Sarda fails to disclose or suggest the feature of at least one of a dehumidifier, a humidifier, a heater, and a cooler which is able to hold either temperature or humidity or both constant within the recording apparatus. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

Regarding independent claim 6, Applicant submits that claim 6 is also patentable for similar reasons as discussed above with respect to claim 1. Namely, Sarda fails to disclose or suggest the feature of at least one a humidifier and a dehumidifier which is able to hold humidity constant within the recording apparatus. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

Regarding claim 8, Applicant respectfully submits that the Examiner should have indicated that claim 8 contains allowable subject matter. The Examiner has indicated that claim 7 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. As claim 8 depends from claim 7, Applicant respectfully submits that claim 8 should also have been indicated as containing allowable subject matter.

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Claim 9 depends from independent claim 6 and therefore incorporates all of the limitations thereof. Accordingly, Applicant submits that claim 9 is patentable at least by virtue of its dependency.

Regarding independent claim 10, Applicant submits that claim 10 is also patentable for similar reasons as discussed above with respect to claim 1. Namely, Sarda fails to disclose or suggest the feature of at least one a humidifier and a dehumidifier which is able to hold humidity constant within the recording apparatus.

Claims 12 and 13 depend from independent claim 10 and therefore incorporate all of the features thereof. Accordingly, Applicant submits that claims 12 and 13 are patentable at least by virtue of their dependency.

B. Claims 2 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by D'Amato (U.S. Patent No. 4,996,939). Applicant respectfully traverses this rejection on the following basis.

Claim 2 defines a novel combination of features which form a recording apparatus. Included among the features is an air supply formed on a surface of the apparatus for supplying outside air into the apparatus. Applicant submits that the claimed combination, including at least this feature, is neither disclosed nor suggested by D'Amato.

D'Amato discloses an apparatus for drying circuit boards by absorbing water and blowing dry air. A housing enclosed fan 16 is provided which is positioned below a conveyor 12 (see column 5, lines 20-22). The fan 16 is provided with an air inlet 18 and an air outlet 20 (see

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column 5, lines 22-23). A primary intake duct 22 is connected to a secondary air intake duct 23, wherein the secondary intake duct 23 is connected to the air inlet 18 of fan 16 (see column 5, lines 24-26).

As shown in Fig. 1 of D'Amato, however, there are no exterior air ducts which allow air to be introduced into the apparatus (see column 6, lines 55-57). Rather, the air ducts disclosed by D'Amato merely recirculate air contained within the enclosure (see column 6, lines 51-57).

Based on the foregoing, Applicant respectfully submits that D'Amato fails to disclose or suggest the feature of an air supply formed on a surface of the apparatus for supplying outside air into the apparatus, as is required by claim 2. Accordingly, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Regarding independent claim 6, Applicant submits that claim 6 is patentable for similar reasons as discussed above with respect to claim 2. Namely, D'Amato fails to disclose or suggest the feature an air supply for supplying air into the apparatus to build up positive pressure in its interior. Accordingly, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

## **II. Claim Rejections under 35 U.S.C. § 102(e)**

Claims 2 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hoge et al. (CA 2,285,885). Applicant respectfully traverses this rejection on the following basis.

Applicant submits that the Examiner's reliance on the Hoge reference is misplaced because the Hoge reference does not qualify as prior art under any subsection of 35 U.S.C. §

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102. United States law limits the prior art date of foreign patent publications to their publication date.

The Hoge reference is a Canadian Patent Publication and thus the filing date of the Hoge reference (i.e., October 15, 1999) cannot be used as the prior art date under 35 U.S.C. § 102. Rather, the publication date of the Hoge reference qualifies as the prior art date. The publication date of the Hoge reference is April 15, 2001.

The present application was filed on January 11, 2001. Thus, the filing date of the present application (January 11, 2001) predates the prior art date (i.e., the publication date of April 15, 2001) of the Hoge reference. Therefore, the Hoge reference does not qualify as prior art under section 35 U.S.C. § 102. Accordingly, Applicant respectfully requests that the rejection of claims 2 and 6 be withdrawn.

In addition, the Notice of References Cited (Form PTO-892) supplied by the Examiner lists October, 1999 as the prior art date for the Hoge reference. The October, 1999, however, is the filing date of the foreign application, not the publication date.

Accordingly, Applicant respectfully requests that the Examiner submit a substitute Notice of References Cited with the next Office paper which accurately reflects the prior art date of the Hoge reference as April, 2001.

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### **III. Allowable Subject Matter**

Applicant would like to thank the Examiner for indicating that claims 4, 7 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 has been rewritten in independent form and, therefore, is in immediate condition for allowance. Applicant submits that claims 7 and 11 are allowable in their present form at least by virtue of their dependency from their respective base claims.

### **IV. New Claims**

Applicant has added new claims 14-21. Applicant submits that these claims are patentable at least by virtue of their dependency from their respective base claims, which Applicant believes are allowable for the reasons discussed above.


### **V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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Date: July 18, 2003



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

4. (Thrice Amended) [The] A recording apparatus comprising: [according to claim 1  
which further includes]

a medium fixing member for fixing a recording medium to its surface;

a recorder for producing a record on said recording medium;

an air supply for supplying air into the apparatus to build up positive pressure in its  
interior; and

a humidifying chamber and a humidifying air supply for supplying air to said  
humidifying chamber, said humidifier performing its function by a water-retaining material that  
is imbibed with water and which is located within said humidifying chamber or between said  
humidifying air supply and said humidifying chamber,

wherein at least one member of the group consisting of a dehumidifier, a humidifier, a  
heater and a cooler is contained within said recording apparatus so that either temperature or  
humidity or both are held constant in said recording apparatus; and

wherein the at least one member of the group consisting of the dehumidifier, the  
humidifier, the heater, and the cooler is the humidifier, and said humidifier is located in a feed  
path of said recording medium.



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**Claims 14-21 are added as new claims.**